

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ITV DIRECT, INC.,
Plaintiff,

v.

HEALTHY SOLUTIONS, LLC et al.,
Defendants.

CAPPSEALS, INC.,
Plaintiff-in-Intervention,

v.

HEALTHY SOLUTIONS, LLC, d/b/a
DIRECT BUSINESS CONCEPTS; ITV
DIRECT, INC.; and DIRECT
FULFILLMENT, LLC,
Intervenor-Defendants.

Civil Action No. 04-10421-JLT

ORDER

July 20, 2005

TAURO, J.

This court hereby orders that:

1. Cappseals, Inc.'s Motion for Summary Judgment [#120] is ALLOWED;
2. ITV Direct's Motion to Strike Affidavit of Kial Young Filed in Support of Cappseals' Motion for Summary Judgment [#129] is DENIED AS MOOT because this court did not rely on the affidavit in deciding Cappseals' Motion;
3. Healthy Solutions shall file a Proposed Rule 54(b) Judgment with respect to the relevant counterclaim against ITV for the price of the goods;

4. Cappseals shall file a Proposed Rule 54(b) Judgment with respect to its reach-and-apply claim against ITV; and
5. The Proposed Judgments shall specify the principal amounts due, together with any appropriate interest and costs.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge